

New York Post Correspondent

New Orleans, March 13—Charges that President Kennedy's assassination was plotted here will have to face the test of a trial and will not be dismissed at hearings to be held today and tomorrow, the New York Post has learned.

A special three-judge criminal district court will keep the case open regardless of how little evidence is produced by District Attorney Jim Garrison today and tomorrow in his case against the one man he has arrested so far for allegedly conspiring to kill Kennedy, it was revealed.

Attorneys for Clay L. Shaw go into court today, seeking to have the murder conspiracy charges against the wealthy retired businessman dropped.

But, it was explained, their efforts will be to no avail since Garrison has already asked for a preliminary hearing scheduled for tomorrow, whom he must legally present enough evidence to warrant holding Shaw.

Presiding Judge Bernard J. Bagert on Thursday ruled that Garrison tomorrow probably would have to produce the state's confidential informer who, according to Garrison, was at a meeting here in September, 1963 when the Kennedy assassination was allegedly plotted by Shaw, Lee Harvey Oswald and David W. Ferrie, a pilot, who died Feb. 22.

Informer Unnamed

Garrison's office has promised to make the unnamed informer available to the court. But, legal circles here feel Garrison made this announcement for effect and probably would resist all efforts to make the identity of the informer public. It is felt Garrison might tell the court that the informer's life would be placed in jeopardy if his identity is made known.

The Post's source explained the case against Shaw would not be dismissed by the judges at the preliminary hearings even if the evidence is flimsy because of the growing national feeling that perhaps the Warren Commission investigation was not complete enough. "The subject is too controversial right now," the source said, "and the judges are not taking any chances with Garrison. He has done many wild things in the past and always came out on top."

Tomorrow's hearing is unique on several counts. Normally such a hearing is requested by the defense seeking to have the charges dropped if the state cannot establish a prima facie case against the defendant.

However, the hearing was requested by Garrison, not by Shaw's attorneys.

The only apparent advantage for Garrison would be to get certain testimony on the record. Such testimony could later be used in a trial even if the person who gave the evidence was not available for the trial. But it was observed that Garrison is noted for using unusual tactics.

Also at tomorrow's hearing Garrison himself will present the state's case. This is the third time he will have appeared in court since he was elected in 1962.

A three-judge court for a preliminary hearing is almost unheard of. But, it was explained, Bagert would make all decisions and would rely on Judges Malcolm V. O'Hara and Matthew S. Braniff for advice only.

Garrison has charged the Warren Commission failed to go far enough with the investigation into the death of Kennedy in Dallas on Nov. 22, 1963, when they concluded that Oswald alone killed the President.

He has charged the commission that testimony from New Orleans attorney Dean Adams Andrews Jr., that he had received a call from a Clay Bertrand on Nov. 24, 1963, requesting that Andrews represent Oswald in Dallas on charges of killing Kennedy.

Andrews was vague in his identification of Bertrand and the Warren Commission never identified Bertrand.

Garrison has charged that Shaw, 54, is actually Bertrand. Andrews claims that Bertrand is not Shaw.

Garrison has sought to question Andrews and has also tried to have him testify before a grand jury without any success.

On Saturday, Andrews' attorney, Sam Monk Zelden, a noted criminal lawyer here, revealed that Garrison's office had re-

Trial Seen

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in JFK

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'Plot'

By CARL J. PELLECK

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requested that Andrews submit to a lie detector test, truth serum or hypnosis "which could assist in aiding his memory and arriving at the true facts."

Andrews has denied any knowledge of the request by Garrison's office although Zelden said he advised Andrews of the correspondence.

Shaw was arrested March 1 and has been free in \$10,000 bond.

Garrison today also is expected to question a former Dallas taxi driver, Raymon Cummings, who earlier this week said he recalled driving Oswald, Ferrie and an unidentified man to Jack Ruby's Dallas nightclub early in 1963.

It was Ruby who killed Oswald in Dallas two days after the assassination of Kennedy. Ruby died of cancer Jan. '3.